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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/711,357 | 09/14/2004 | Tianmo Lei | | 5356 |
| 35920 | 7590 | 05/26/2006 | | |
| TIANMO LEI 814 BETLIN AVENUE CUPERTINO, CA 95014 | | | EXAMINER LABAZE, EDWYN | |
| | | | ART UNIT 2876 | PAPER NUMBER |

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

(8)

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/711,357 | LEI, TIANMO | |
| | Examiner | Art Unit | |
| | EDWYN LABAZE | 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 3/14/2006.
2. Claims 1-4 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhaskaran et al. (US 2004/0141630) in view of Yamamoto (U.S. 5,802,179).

Re claims 1-4: Bhaskaran et al. discloses method and apparatus for augmenting a digital image with audio data, which includes means for recording and digitizing the sound to produce a digital sound data using microphone and various recorders (paragraphs 49-55); means for entering the digital sound data into a PC (paragraphs 37+); means for compressing and encoding the digital sound data into a barcode using the PC (paragraphs 35+, 41-49); means for printing the barcode on to the side of the photograph, which appears as a graphic picture, using the PC and a printer (paragraphs 34-37); means for printing the barcode on to the back of the photograph, which appears as a graphic picture, using the PC and a printer (paragraphs 38+); means for scanning the graphic picture to produce digital data representing the information of the barcode, using the PC and a scanner (paragraphs 38+, 67+); means for decoding and uncompressing the digital data of the barcode to produce the digital sound data, using the PC

(paragraphs 41-45); means for playing the digital sound data to sound, using the PC (paragraphs 35-36). Bhaskaran et al. further teaches that the audio augmented digital images may be provided to a cellular phone (paragraph 33), a digital camera (paragraphs 36+, 49+; also see claim 28).

Bhaskaran et al. fails to specifically suggest a microphone and various recorders for recording the sound, and wherein the bar code is a 2-dimensional bar code, and a speaker.

Yamamoto discloses information processor having two-dimensional bar code processing function, which includes a microphone 11 and various recorders for recording the sound, and wherein the bar code is a 2-dimensional bar code (col.4, lines 30-67; col.6, lines 11), and a speaker 14 (col.7, lines 29-67).

In view of Yamamoto's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bhaskaran et al. a microphone and various recorders for recording the sound, and wherein the bar code is a 2-dimensional bar code so as to record the audio data into the personal computer and the 2-D barcode for encode substantially larger data file. Furthermore, such modification would enable sound information and function as a sound input portion through the microphone, and wherein the two-dimensional barcode is beneficial to easily store photographs, images of maps, and sound information. Moreover, such modification would have been obvious an extension as taught by Bhaskaran et al., therefore an obvious expedient.

Response to Arguments

5. Applicant's arguments filed on 3/14/2006 have been fully considered but they are not persuasive.

The applicant argues that Bhaskaran et al. never mentions encoding the digital sound data into a barcode using the PC, means for printing the on the side of the photograph, means for printing the barcode on to the back of the photograph, means for decoding and uncompressing the digital data of the barcode to produce the digital sound data (see page 3, 1st paragraph of applicant's remarks); further image data and sound data is separated (see page 3, 2nd paragraph of applicant's remarks); and that the invention claims a program running on a PC to record and play back sound and music that means a CD with software (see page 3, 3rd paragraph of applicant's remarks).

The examiner respectfully disagrees with the applicant's remarks for the following reasons:

Bhaskaran et al. does teach means for encoding digital sound data into a bar code using a PC (see paragraph 6+), wherein the printing medium 100 includes a barcode region 102/104 {which could be printed at the bottom, top, back or anywhere onto the printing medium; as recited in claims 1 & 2 of the claimed invention} with audio data. Bhaskaran et al. further teaches means of compressing digital audio and digital image data to define an augmented digital image (see paragraphs 11+). The examiner would like to point although fig. # 1 is listed as a prior art, once the teachings of said prior art are hereby incorporated and anticipate the limitations of the claimed invention.

The examiner respectfully with the applicant's remarks that the in the claimed invention, image data and sound data is separated. None of the claims specifically recites such limitations and/or distinctions.

Bhaskaran et al. teaches a computer readable medium having program instructions for extracting the audio data for playback with a presentation (see claims 15-18 of Bhaskaran et al.; paragraphs 14+). Further the claimed invention discloses “a method and program to record sound to photograph and to play back, running in a personal computer”. There is no specific disclosure of a CD with software.

In light of the above arguments, the examiner believes that the prior art of record, Bhaskaran et al. in combination with Yamamoto {as presented above} do anticipate the limitations of the claimed invention. Therefore the examiner retains the rejection as set forth above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tani (US 2004/0041026) discloses data encoding device and data decoding device.

Fukunaga et al. (US 2005/0052695) teaches service server and print service method.

Fukunaga et al. (US 2005/0162699) discloses index printing device, instant film, service server, and servicing method.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
May 16, 2006



THIEN M. LE
PRIMARY EXAMINER